United Nations Convention on the Law of the Sea CLCS/78

Commission on the Limits of the Continental Shelf

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Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chair

Summary

The present statement provides information on the work carried out by the Commission and its subcommissions during the thirty-first session. In particular, the statement contains an overview of the work on the submissions made by Argentina; the Cook Islands, in respect of the Manihiki Plateau; Denmark, in respect of the area north of the Faroe Islands; Ghana; Iceland, concerning the Ægir Basin area and the western and southern parts of the Reykjanes Ridge; and Uruguay. The statement also contains an overview of the presentations made to the Commission by Denmark, in respect of the area north of the Faroe Islands; Gabon; and Iceland, concerning the Ægir Basin area and the western and southern parts of the Reykjanes Ridge.

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1. Pursuant to paragraph 74 of General Assembly resolution 67/78 and the decision adopted at its thirtieth session, the Commission on the Limits of the Continental Shelf held its thirty-first session at United Nations Headquarters from 21 January to 8 March 2013. The plenary parts of that session were held from 28 to 31 January and from 26 to 28 February.[1] The other periods were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Muhammad Arshad, Lawrence Folajimi Awosika, Galo Carrera, Francis L. Charles, Ivan F. Glumov, Richard Thomas Haworth, Martin Vang Heinesen, George Jaoshvili,[2] Emmanuel Kalngui, Wenzheng Lu, Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong-Ahn Park, Carlos Marcelo Paterlini, Walter R. Roest, Tetsuro Urabe and Szymon Uścinowicz.[3] Sivaramakrishnan Rajan did not attend the session.

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.34);

(b) Statement by the Chair on the progress of work in the Commission at its thirtieth session (CLCS/76);

(c) Submissions made by coastal States[4] pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;[5]

(d) General Assembly resolution 67/78;

(e) Communications received from Bangladesh (8 October 2012 and 16 January 2013); Brazil (26 February 2013); China (14 December 2012 and 8 January 2013); Cook Islands (11 September 2012); Denmark (4 December 2012 and 30 January 2013); France (6 December 2012); Gabon (29 November 2012); Iceland (17 January 2013); Japan (28 December 2012 and 11 January 2013); Kiribati (20 December 2012); Mauritius (21 December 2012); Mexico (7 September 2012); Myanmar (16 November 2012); New Zealand (6 December 2012); Republic of Korea (26 December 2012 and 23 January 2013); Seychelles (10 September 2012); Tuvalu (7 December 2012); and United Kingdom of Great Britain and Northern Ireland (13 September 2012).

Item 1
Opening of the thirty-first session

4. The Chair of the Commission, Mr. Awosika, opened the plenary of the thirty-first session of the Commission.

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[1] See CLCS/76, para. 12.

[2] Mr. Jaoshvili attended from 28 January to 8 February 2013.

[3] See SPLOS/255. On 19 December 2012, a special Meeting of States Parties to the Convention elected Szymon Uścinowicz (Poland) as a member of the Commission.

[4] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

[5] United Nations, *Treaty Series*, vol. 1833, No. 31363.

Statement by the Legal Counsel

5. The Legal Counsel, Patricia O'Brien, made a brief statement welcoming the increase to 21 in the number of weeks of meetings of the Commission for the year 2013 and highlighting the important role of the Commission in the effective implementation of the United Nations Convention on the Law of the Sea.

Item 2
Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.34) and adopted it, as amended (CLCS/77).[6]

Item 3
Solemn declaration by a member of the Commission

7. Pursuant to rule 10 of the rules of procedure of the Commission (CLCS/40/Rev.1), Mr. Uścinowicz made the solemn declaration and handed a signed copy thereof to the Director of the Division.

Item 4
Organization of work

8. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

Item 5
Workload of the Commission

9. The Commission discussed matters related to its workload and requested its relevant ad hoc working group, chaired by Mr. Carrera,[7] to prepare elements for the presentation on the matter by the Chair at the twenty-third Meeting of States Parties. Mr. Carrera presented to the Commission an overview of the inputs received. Following a discussion, the Commission concluded that, owing to the extended stay of members in New York, the matters of workload were closely related to the conditions of their work. In particular, concerns were expressed in relation to medical insurance for members of the Commission. The presentation also addressed issues related to the organization of work, in particular the possibility of increasing the number of submissions currently considered by the subcommissions, on the understanding that no member of the Commission should be appointed to more than

[6] In response to an invitation by the Chair to present their submissions at the thirty-first session, Denmark (with regard to its submission in respect of the southern continental shelf of Greenland), France (with regard to its submission in respect of La Réunion Island and Saint-Paul and Amsterdam Islands), Pakistan and Sri Lanka indicated a preference to make their presentations at a later session. The deferrals of the presentations to a later time were communicated to the Chair on the understanding that they would not affect the position of the submissions in the queue.

[7] See CLCS/76, para. 17.

four subcommissions, as well as the possibility, with the agreement of the Meeting of States Parties, of adopting a flexible approach as to which submission from the queue should be considered next when the available members are ineligible to consider the submission next in the queue. The presentation further discussed the working conditions, including the lack of office space, the loss of income while in New York, visits by family members and the high cost of the prolonged stay in New York, especially in relation to the effect those conditions might have on the attendance of the members to all sessions of the Commission.

10. The Commission agreed that the issue of medical insurance and other related issues would be brought by the Chair to the attention of the twenty-third Meeting of States Parties, to be held in June 2013. Among other things, the Commission will propose the establishment of an intersessional working group of the Meeting of States Parties to consider issues related to medical insurance, including the possible use of a trust fund for that purpose.

Item 6
Consideration of the submission made by Uruguay[8]

Report of the Subcommission

11. The Chair of the Subcommission, Mr. Charles, reported on the progress of its work at the current session, noting that the Subcommission had met with the delegation of Uruguay on 19, 20 and 21 February 2013. He stated that, subsequent to the suggestions made by the Subcommission in 2011, the delegation had delivered a presentation on the status of the updating of its submission. The Chair added that a timeline for the submission of data and materials as well as a plan of work had been agreed upon by the Subcommission and the delegation. In that connection, he recalled that the delegation had indicated that it would submit the non-seismic information before May 2013 and the processed seismic data and all other outstanding material by June 2013. The Subcommission had commenced the preliminary examination of the new data provided by Uruguay during the session and would communicate with Uruguay, as needed, during the intersessional period.

12. As to the projected work for the future sessions, the Chair of the Subcommission stated that the Subcommission would continue its examination of the submission during the thirty-second session of the Commission and would be available to meet with the delegation during the week of 5 to 9 August and potentially also during the week of 19 to 23 August 2013. With respect to the thirty-third session of the Commission, the Subcommission anticipated that by then its consideration of the submission would be at an advanced stage and the Subcommission would be in a position to request the delegation of Uruguay to meet with it, hopefully, early in the session, in accordance with annex III, paragraph 10 (3), (4) and (5) of the rules of procedure of the Commission. Then, during the thirty-fourth session the Subcommission would expect to present its draft recommendations to the Commission.

[8] Submission made on 7 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm.

Item 7
Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau[9]

Report of the Subcommission

13. The Chair of the Subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the current session, noting that the Subcommission had met from 21 to 25 January and from 4 to 15 February 2013. He drew attention to the request of the Commission made at its thirtieth session for the Cook Islands to provide a revised executive summary in order to publicize the amendments to its original submission (CLCS/76, para. 40). In that connection he informed the Commission that the Cook Islands had submitted, in the intersessional period, an addendum to its original executive summary.

14. Mr. Carrera also reported that the Subcommission had held two meetings with the delegation at the request of the latter, on 6 and 8 February. On 6 February, the delegation had made a presentation to the Subcommission in which the scientific and technical aspects of both the submission and the addendum to the submission were recapitulated. The Subcommission had then made a presentation, in which it recalled the communications exchanged between the delegation and the Subcommission and the material received from the delegation, and informed the delegation about the progress in its work. The Subcommission had also indicated to the delegation that it had no questions or requests for clarification relating to the submission to this date. During the meeting on 8 February, the delegation had sought clarification on the stage reached in the examination of the submission and enquired about an indicative timeline for the consideration of the submission, including the start of a dialogue with the Subcommission on substantial aspects. In response, the Subcommission had provided further clarifications relating to the work conducted by the Subcommission to date in the light of the presentation it made on 6 February and of the rules of procedure of the Commission. The Subcommission had indicated that it would make every effort to inform the delegation about its views on the submission at the thirty-second session of the Commission. The Subcommission had also written to the coastal State requesting additional data.

15. The Subcommission decided that its members would continue to work individually as members of working groups on the submission during the intersessional period, and that it would resume its consideration of the submission as a Subcommission during the thirty-second session from 15 to 19 and from 22 to 26 July 2013.

16. In relation to the report by the Chair of the Subcommission, the Commission addressed the issue of the executive summary and decided that the addendum thereto adequately responded to the request of the Commi ion.

[9] Submission made on 16 April 2009, see www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm.

Item 8
Consideration of the submission made by Argentina[10]

Report of the Subcommission

17. The Chair of the Subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the current session, noting that the Subcommission had met from 19 to 22 February and from 4 to 8 March 2013. During that time, the Subcommission held four meetings with the delegation at the latter's request, on 20 and 22 February and 5 and 7 March. The Subcommission posed additional sets of questions to the delegation and also requested additional data.

18. The Subcommission decided that its members would continue to work individually and as members of working groups on the submission during the intersessional period, and that it would resume its consideration of the submission as a Subcommission during the thirty-second session from 29 July to 2 August and from 5 to 9 August 2013.

Item 9
Consideration of the submission made by Ghana[11]

Report of the Subcommission

19. The Chair of the Subcommission, Mr. Roest, reported on the progress of its work during the intersessional period and at the current session, noting that the Subcommission had met from 21 to 25 January 2013 and had held three meetings with the delegation of Ghana. The Subcommission continued its consideration of the submission during the week of 19 to 22 February. During that period, the Subcommission received a communication from the delegation responding to questions that the Subcommission had formulated in writing. The entire week was dedicated to the examination of these responses, in the light of the original submission and its addendum.

20. During the week of 4 to 8 March 2013, the Subcommission continued its consideration of the responses from the delegation of Ghana. As a result, an additional set of questions was transmitted to the delegation.

21. The Subcommission had decided to continue its consideration of the submission during the thirty-second session of the Commission from 15 to 26 July, and, if needed, from 5 to 9 and/or 19 to 23 August 2013, and had decided to invite the delegation of Ghana to meet with it during the weeks starting 15 and 22 July 2013.

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[10] Submission made on 21 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm.

[11] Submission made on 28 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_gha_26_2009.htm.

Item 10
Presentation and consideration of the submission made by Iceland, in respect of the Ægir Basin area and in the western and southern parts of the Reykjanes Ridge[12]

Presentation of the submission made by Iceland

22. The presentation of the submission to the Commission was made on 31 January 2013 by Tomas Heidar; Head of Delegation, Sigvaldi Thordarson; Freysteinn Sigmundsson; and Birgir Hrafn Buason. The delegation was accompanied by Gréta Gunnarsdóttir, Permanent Representative of Iceland to the United Nations.

23. In addition to elaborating on substantive points of the submission, Mr. Heidar informed the Commission that a former member of the Commission, Harald Brekke, had provided scientific and technical advice. It was noted that no areas covered by the submission were subject to any disputes. Mr. Heidar drew the attention of the Commission to the 2006 Agreed Minutes on the delimitation of the continental shelf beyond 200 nautical miles between the Faroe Islands, Iceland and Norway in the Ægir Basin area,[13] signed between Iceland, Denmark/Faroes and Norway. He stated that, according to the Agreed Minutes, when one State submits documentation concerning the outer limits of its continental shelf in the Ægir Basin area to the Commission, the other States would notify the Secretary-General of the United Nations in accordance with the rules of procedure of the Commission, that they do not object to the Commission considering the documentation and making recommendations on this basis, without prejudice to the submission of documentation by these States at a later Stage, or, to the question on bilateral delimitations between the three States. Accordingly, in 2009, the Governments of Denmark/Faroes, as well as that of Norway, notified the Secretary-General that they did not object to the Commission considering the documentation submitted by Iceland in respect of the Ægir Basin area and making its recommendations thereon.

24. Mr. Heidar also drew the attention of the Commission to the 2013 Agreed Minutes on the delimitation of the continental shelf beyond 200 nautical miles between Iceland and Greenland in the Irminger Sea, signed between Iceland and Denmark/Greenland. By virtue of the 2013 Agreed Minutes, Denmark/Greenland would not object to the Commission's consideration of the submission of documentation by Iceland concerning the outer limits of its continental shelf in the Irminger Sea and the making of recommendations on this basis without prejudice to the submission of documentation by Denmark in its submission of 14 June 2012 (in respect of the southern continental shelf of Greenland), as well as any further documentation submitted by Denmark at a later stage, or to the delimitation of the continental shelf between Denmark and Iceland. This was confirmed by Denmark by way of a note verbale dated 17 January 2013 addressed to the Secretary-General. The Commission was also notified by Iceland that it had been informed by

[12] Submission made on 29 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm.

[13] The Ægir Basin area is referred to as the "Southern part of the Banana Hole" in the "Agreed Minutes on the delimitation of the continental shelf beyond 200 nautical miles between the Faroe Islands, Iceland and Norway in the southern part of the Banana Hole of the North-East Atlantic", signed on 20 September 2006.

Denmark/Greenland of updates made to the baselines of Greenland that modified the position of the 200 M limit of Greenland. This, in turn, affected the location of three outer limit fixed points in the submission of Iceland in respect to the western part of the Reykjanes Ridge, as these points were located on the original 200 M limit of Greenland.

25. The Chair of the Commission noted that the Subcommission for the consideration of the submission by Iceland had already been established during the thirtieth session and that, consequently, the Subcommission would continue its consideration of the submission.

Report of the Subcommission

26. The Chair of the Subcommission, Mr. Urabe, reported on the progress of its work at the current session, noting that the Subcommission had commenced its work on 29 and 30 January 2013 during the first plenary week of the thirty-first session. After listening to the presentation made by the delegation of Iceland on 31 January to the plenary of the Commission, the Subcommission resumed its consideration of the submission from 4 to 15 February 2013.

27. During the week of 4 to 8 February, the Subcommission held three meetings with the delegation. During the first meeting on 5 February 2013, the delegation gave another detailed presentation on its submission to the Subcommission. The delegation also provided responses to the preliminary questions from the Subcommission during that week. The week of 11 to 15 February was dedicated to the deliberation of the responses received as well as the redelivered main body from the delegation.

28. During the week of 4 to 8 March 2013, the Subcommission continued its consideration of the responses from the delegation of Iceland. The Subcommission had decided to continue its consideration of the submission during the thirty-second session of the Commission, from 29 July to 2 August, and possibly from 5 to 9 and 19 to 23 August 2013, and had decided to invite the delegation of Iceland to meet with it during the week of 29 July to 2 August.

Item 11
Consideration of the partial submission made by Denmark, in respect of the area north of the Faroe Islands[14]

Presentation of the submission made by Denmark

29. Denmark had presented its partial submission on 27 August 2009, at the twenty-fourth session of the Commission.[15] By a letter dated 4 December 2012, the Permanent Representative of Denmark to the United Nations requested the Commission to provide it with an opportunity to make a second presentation of its submission, in view of the significant number of members newly elected by the twenty-second Meeting of States Parties in June 2012, and the establishment of the relevant Subcommmission.

[14] Submission made on 29 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_dnk_28_2009.htm.

[15] CLCS/64, paras. 82-86.

30. The second presentation was made on 31 January 2013 by Bjørn Kunoy, Legal Adviser in the Foreign Affairs Department of the Faroese Prime Minister's Office, and Head of Delegation, and Finn Mørk, geologist, Faroese Earth and Energy Directorate. The delegation of Denmark also included other advisers.

31. In addition to elaborating on substantive points of the submission, Mr. Kunoy informed the Commission that two of its current members, Messrs. Heinesen and Roest had given advice in respect of the preparation of the submission.

32. Mr. Kunoy stated that the seabed area in question is subject to overlapping claims. He referred to the Agreed Minutes of 20 September 2006, signed by Denmark/Faroes, Iceland and Norway.[13] He noted that the Agreed Minutes set out a procedure for handling the overlapping claims and determining future delimitation lines in the "Northern Deep" or, in the language of the agreed minutes, the "Southern Banana Hole".[13] Each of the three States agreed that, when submitting its documentation concerning the outer limits of the continental shelf in the area in question, it would request that the Commission consider the documentation and make recommendations on this basis. The other States will notify the Secretary-General that they do not object to the Commission considering the documentation and making recommendations on this basis. Accordingly, on 15 June 2009 and 7 July 2009, Iceland and Norway, respectively, notified the Secretary-General that they did not object to the Commission considering the partial submission of Denmark. Mr. Kunoy also reiterated that there were no disputes related to the submission within the meaning of rule 46 and annex I to the rules of procedure of the Commission.

33. The Commission then continued its meeting in private. The Commission invited the Subcommission established to examine this submission to continue with its deliberations.

Report of the Subcommission

34. In the absence of Mr. Rajan, the Chair of the Subcommission, Mr. Haworth, one of the Vice-Chairs, chaired the meetings of the Subcommission. He reported on the progress of its work during the intersessional period and at the current session. In this connection, he stated that the Subcommission had discussed a partial response from Denmark dated 16 January 2013 to the first set of its questions dated 20 December 2012. The Subcommission had prepared a second set of questions, which had been transmitted to Denmark on 24 January 2013. Additional data had been received from Denmark on 29 January 2013.

35. The Acting Chair added that the Subcommission had held three meetings with the delegation of Denmark during the period from 6 to 8 February 2013. Both the Subcommission and the delegation had made presentations and exchanged views. Additional material requested from the delegation had been transmitted to the Subcommission, and it was mutually agreed that items requiring further consideration by the Subcommission would be the basis for future meetings between the delegation and the Subcommission.

36. Accordingly, meetings had been held on 4, 5 and 6 March 2013. During those meetings, presentations had been made by both the Subcommission and the delegation of Denmark. In its final presentation, the Subcommission had made a request for additional information. The Subcommission had also indicated that it

would respond in writing to one of Denmark's presentations. The Acting Chair stated that it was anticipated that work on first draft recommendations might begin during the thirty-second session. At that time, further meetings between the Subcommission and the delegation would also be held.

Item 12
Presentation of the submission by Gabon[16]

37. The presentation of the submission to the Commission was made on 30 January 2013 by Marianne Odette Bibalou, Deputy Permanent Representative of Gabon to the United Nations; Guy Rossatanga-Rignault, lawyer, special adviser to the President of the Republic, Head of the Department of Legal Affairs, President of the National Committee for the Project for the Extension of the Continental Shelf, GabEX-PC; and Roger Sickout-Mavoungou, geophysicist, former adviser to the President of the Republic on hydrocarbons, scientific adviser to the Project for the Extension of the Continental Shelf, GabEX-PC. The delegation also included a number of advisers.

38. With respect to the communication from Angola, dated 7 June 2012, Mr. Rossatanga-Rignault observed that the statements in the communication were observations which did not amount to the notification of the existence of a dispute and that the consideration of the submission by the Commission should not prejudice the rights of a third party. Mr. Rossatanga-Rignault also noted that no Commission member had provided scientific and technical advice to Gabon.

39. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking into account the communication from Angola as well as the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the communication until such time as the submission was next in line for consideration as queued in the order in which it was received. The Commission took this decision in order to take into consideration any further developments that might occur throughout the intervening period during which States may wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature provided for in annex I to its rules of procedure.

Item 13
Report of the Chair of the Committee on Confidentiality

40. The Chair, Mr. Park, reported that the Committee had met once and had noted that no confidentiality issues had arisen.

Item 14
Report of the Chair of the Editorial Committee

41. In the absence of Mr. Rajan, Chair of the Editorial Committee, Mr. Haworth, Vice-Chair, chaired the meetings of the Committee. He reported that the Committee

[16] Submission made on 10 April 2012; see www.un.org/Depts/los/clcs_new/submissions_files/submission_gab60_2012.htm.

had held meetings on 29 January and 27 February 2013 and, as mandated by the Commission, had worked on the preparation of the draft template for recommendations of the Commission in respect of a submission.

42. Mr. Haworth informed the Commission that the Committee had held discussions, had agreed in principle on the draft template for recommendations and had entrusted him with the finalization of the document. The Commission took note of the report and agreed that the template, when finalized, would be for internal use by the subcommissions in the preparation of the recommendations of the Commission.

Item 15
Report of the Chair of the Scientific and Technical Advice Committee

43. The Chair, Mr. Urabe, reported that the Committee had held a meeting on 31 January 2013. He also reported that the Committee had distributed a questionnaire to the members of the Commission, with a view to compiling, on a voluntary basis, further information on their expertise. That information would be used, inter alia, for the purpose of proposing members with suitable expertise in case of a request for scientific and technical advice from a coastal State. In this connection, the Commission noted that no request for scientific and technical advice had been received so far and reaffirmed its willingness to provide such an advice, if requested.

Item 16
Report of the Chair of the Training Committee and other training issues

44. The Chair, Mr. Carrera, reported that the Committee had not been informed of any requests for new training courses.

Item 17
Other matters

Appointment of members of subcommissions and other bodies

45. Mr. Uścinowicz was appointed member of the subcommissions established to examine the submission of Uruguay and the partial submission of Denmark in the area north of the Faroe Islands.

Information by the Chair on the sixty-seventh session of the General Assembly

46. Mr. Awosika, Chair, informed the Commission about the plenary meetings of the General Assembly, held on 10 December 2012, in commemoration of the thirtieth anniversary of the opening for signature of the Convention, pursuant to General Assembly resolutions 66/231 and 67/5, and on deliberations by the Assembly on matters pertaining to oceans and the law of the sea, relevant to the work of the Commission. Attention of the members was also drawn to section VIII

of General Assembly resolution 67/78 on oceans and the law of the sea, entitled "The continental shelf and the work of the Commission."

Submission of Myanmar

47. With regard to the submission made by Myanmar, the Commission considered communications from Bangladesh dated 8 October 2012 and 16 January 2013 with reference to the communications from Myanmar dated 5 July and 16 November 2012, in which Myanmar had requested the Commission to proceed with establishment of a subcommission to consider its submission. The Commission noted that, in its communications, Bangladesh, inter alia, stated that "the circumstances which led to the postponement of the consideration of Myanmar's submission continue to exist", and that "Myanmar ha[d] not amended, modified or in any way altered its submission to take account of the 14 March 2012 Judgment of the International Tribunal of the Law of the Sea (ITLOS) in Case No. 16 'Dispute concerning the delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)'." The Commission took note of the communications referred to above and decided to further defer the consideration of the submission of Myanmar in order to take into account any further developments that might occur in the intervening period, during which the States concerned might wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature as outlined in annex I to the rules of procedure.

Attendance

48. The Commission briefly addressed the issue of attendance of its members and re-emphasized that it was important for all members of the Commission to attend all its meetings. The Commission requested the Chair to continue to address instances of non-attendance, on a case-by-case basis, as necessary and appropriate, with a view to ensuring the full participation of all members in the work of the Commission, as well as, if warranted, to reminding the nominating States of their obligations under article 2, paragraph 5, of annex II to the Convention.

Trust funds

49. The Commission was informed about the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. For the thirtieth session, assistance had been provided to seven members of the Commission, in the amount of $82,133.94. For the thirty-first session, financial assistance was being provided to eight members, for an estimated total of $212,373. The Commission was also informed that, since the last session, contributions had been received from China ($20,000), Japan ($352,100), Mexico ($7,500) and the Republic of Korea ($20,000). As of January 2013, the trust fund had an approximate balance of $1,012,100.00.

50. An overview was also provided of the status of the trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. The Secretariat had not received applications since the second half of

2010 and no contributions had been received since the last session. As of the end of January 2013, the trust fund had an approximate balance of $1,255,100.00.

Scientific and technical issues of general nature that have arisen during the thirty-first session

51. Upon request from a member, the Commission discussed, as a matter of general principle and practice, the interpretation of the term "foot of the slope" as used in sections 8.2.21 and 8.5.3 (b) of the Scientific and Technical Guidelines (CLCS/11 and Corr.1, and Add.1 and Corr.1), which describes the principle of sedimentary continuity between the 1 per cent sediment thickness points and the foot of the slope from which they were determined according to article 76, paragraph 4 (a) (i) of the Convention.

52. A number of members expressed their views on the subject, stating that, in principle and in keeping with past practice, the Commission should interpret the provisions of Guidelines 8.2.21 and 8.5.3 (b) to refer to continuity between the sediments at each of the selected 1 per cent sediment thickness points and the sediments at the foot of the continental slope point from which that sediment thickness point was derived.

53. One member, however, expressed the view that such an interpretation of provision 8.2.21 of the Guidelines would be contradictory to an ordinary reading of that paragraph and that the term "foot of the continental slope" referred to the foot of the continental slope in general along the relevant part of the continental margin of the coastal State in question.

Summary of recommendations

54. The Commission took note of the communication dated 26 February 2013 from the Permanent Mission of Brazil to the United Nations, addressed to the Secretary-General, concerning the summary of the recommendations issued in respect of the submission made by Brazil in 2004. The Commission requested the Chair to address a letter to the Permanent Mission with a view to recommending that the summary as adopted by the Commission be made public in its entirety, on the understanding that any additional information and data which the Government of Brazil might wish to make public along with the summary could be submitted to the Secretary-General with an express written request to that effect.

Acknowledgements

55. The Commission noted with appreciation and gratitude the high standard of secretariat services rendered to it by the Division.

56. The Commission expressed its appreciation to other members of the Secretariat for their assistance provided to the Commission and, in particular, noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers.